IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

OCLC, Inc.,

Plaintiff,

v.

Anna's Archive, et al.,

Defendant.

Civil Action 2 **:** 24 **-cv-** 00144
Judge Michael H. Watson
Magistrate Judge Elizabeth Preston Deavers

RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on 4/4/2024 and was attended by:

Jeffrey M. Walker, Kathryn Brown, & Brittany Silverman, counsel for plaintiff(s) OCLC, Inc.,

____________________, counsel for plaintiff(s) ____________________,

Sarah Benoit & Leon Bass, counsel for defendant(s) Maria Matienzo,

____________________, counsel for defendant(s) ____________________,

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

☐ Yes ☑ No

2. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

☑ Yes ☐ No ☐ The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by 5/3/2024.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

__✔__Yes ____No

If yes, describe the issue:

Defendant Maria Matienzo contests that this Court has personal jurisdiction over her.

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by 4/15/2024.

4. PARTIES AND PLEADINGS

a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by 5/31/2024.

b. If the case is a class action, the parties agree that the motion for class certification shall be filed by__________.

5. MOTIONS

a. Are there any pending motion(s)?

__✔__Yes ____No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number: Defendant Maria Matienzo filed a motion to dismiss, Dkt. No. 21, on April 15, 2024.

b. Are the parties requesting expedited briefing on the pending motion(s)?

____Yes __✔__No

If yes, identify the proposed expedited schedule:

Opposition to be filed by__________; Reply brief to be filed by__________.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

OCLC, Inc. alleges that it suffered harm from Defendants offering its OCLC WorldCat data en masse for free public download on Anna's Archive's website. OCLC sets forth the following causes of action: (1) breach of contract or unjust enrichment, (2) tortious interference, (3) violation of O.R.C. 2913.04, (4) trespass to chattels, (5) conversion, and (6) conspiracy to commit (2) through (5). Plaintiff demands a jury. Defendant Maria Matienzo denies these claims and any relation to Anna's Archive.

7. DISCOVERY PROCEDURES

a. The parties agree that all discovery shall be completed by 10/21/2024. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.

b. Do the parties anticipate the production of ESI? ✔ Yes ______ No

If yes, describe the protocol for such production:
The parties plan to file an ESI protocol by April 22, 2024.

c. Do the parties intend to seek a protective order or clawback agreement?

If yes, such order or agreement shall be produced to the Court by 4/22/2024.

8. DISPOSITIVE MOTIONS

a. Any dispositive motions shall be filed by 1/31/2025.

b. Are the parties requesting expedited briefing on dispositive motions?

______ Yes ✔ No

If yes, identify the proposed expedited schedule:

Opposition to be filed by__________; Reply brief to be filed by__________.

9. EXPERT TESTIMONY

a. Primary expert reports must be produced by 11/15/2024.

b. Rebuttal expert reports must be produced by 12/15/2024.

10. SETTLEMENT

Plaintiff(s) will a make a settlement demand by 11/1/2024. Defendant will respond by 11/15/2024. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year:

December 20 24

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

____ Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place ___________ in chambers_______by telephone.

✔ No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:
Anna's Archive was served on March 28, 2024 and has yet to appear in this case. Its responsive pleading is due April 18, 2024.

Signatures:

Attorney for Plaintiff(s):	Attorney for Defendant(s):
Jeffrey M. Walker	Sarah Benoit
Counsel for OCLC, Inc.	Counsel for Maria Matienzo
Bar # 0096567	Bar # 0086616
Kathryn M. Brown	Leon Bass
Counsel for OCLC, Inc.	Counsel for Maria Matienzo
Bar # 0100426	Bar # 0069901
Brittany Silverman	
Counsel for OCLC, Inc.	Counsel for
Bar # 0102263	Bar #

Date: 4/17/2024

CERTIFICATE OF SERVICE

On April 17, 2024, this document was filed electronically with the Clerk of the United States District Court for the Southern District of Ohio, Eastern Division, which will electronically serve a copy of the foregoing on all counsel of record for all parties.

/s/ *Jeffrey M. Walker*
One of the Attorneys for Plaintiff